

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

Bail Appl..No. 309 of 2007()

CMP.62/2007 of SESSIONS COURT, PALAKKAD
Crime No.426/06 of Chittoor Police Station
.....

: PETITINER/ACCUSED.

DAMODARAN, S/O.KANDAMUTHAN,
AGED 35 YEARS, KOTTIYODE HOUSE,
VERKOLI, PALAKKAD.

BY ADV. SRI.K.P.BALAGOPAL

RESPONDENT: COMPLAINANT AND STATE.

STATE OF KERALA, REPRESENTED B THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19/01/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V.Ramkumar, J.

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B.A.No.309 of 2007

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Dated this the 19th day of January, 2007.

ORDER

Petitioner, who is the first accused in Crime No.426 of 2006 of Chittoor Police Station for an offence punishable under Section 55(a) of Abkari Act for allegedly bringing 942 litres of spirit in a Tata Sumo bearing registration No.TN 25/B 8401 for his purpose on 19.11.2006, seeks his enlargement on bail. The petitioner was arrested on 1.1.2007.

2. The learned Public Prosecutor opposed the application.

3. It is too early to accept the petitioner's contention that the petitioner is nothing to do with the contraband spirit and that he had been falsely implicated in the case.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec. 41 A of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

This application is accordingly dismissed.

V.RAMKUMAR,
JUDGE.

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